

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE NORTHEAST CARPENTERS
HEALTH, PENSION, ANNUITY, APPRENTICESHIP,
AND LABOR MANAGEMENT COOPERATION
FUNDS,

ORDER

18-CV-3635 (JMA) (AYS)

Petitioners,

**FILED
CLERK**

-against-

11/2/2018 2:20 pm

EXCEL INSTALLATIONS, LLC,

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Respondent.

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AZRACK, United States District Judge:

Before the Court is an unopposed petition to confirm and enforce an arbitration award filed by Petitioners Trustees of Northeast Carpenters Health, Pension, Annuity, Apprenticeship, and Labor Management Cooperation Funds' f/k/a the Empire State Carpenters Annuity, Apprenticeship, Labor-Management Cooperation, Pension and Welfare Funds. Petitioners obtained the arbitration award against Respondent Excel Installations, LLC. (Petition, ECF No. 1.) On May 5, 2018, the arbitrator found Respondent in violation of a collective bargaining agreement and ordered Respondent to pay Petitioner all delinquent fringe benefit contributions plus interest and fees. (Collection Award and Order, Ex. E, ECF No. 1. ¶¶ 1-4.)

On June 26, 2018, Petitioners served a copy of the petition on Respondent. (Aff. of Serv., ECF No. 8.) Respondent has not responded to the petition or otherwise appeared in this action.

Petitioners now ask the Court to: (1) confirm the Award; (2) award Petitioners a sum of \$99,244.60, consisting of delinquent fringe benefit contributions in the amount of \$85,545.36, interest of \$643.19, liquidated damages of \$11,406.05, the arbitrator's fee of \$750, and

attorneys' fees of \$900; (3) award interest on attorneys' fees calculated at 10% per annum from the date of the Award through the date of judgment; and (4) award Petitioners \$677.50 in attorneys' fees and costs incurred in bringing this action. (Petition, ECF No. 1 at 6.) Because Respondent has not answered the petition, the Court treats the petition as an unopposed motion for summary judgment. See D.H. Blair & Co. v. Gottdiener, 462 F.3d 95, 109–10 (2d Cir. 2006).

The Court confirms the Award and the specific relief ordered by the arbitrator. Accordingly, Respondent is ordered to pay a total of \$99,966.97, consisting of the arbitration Award, \$44.87 in interest on the attorneys' fees, and the additional attorneys' fees and costs incurred in bringing this action.

The Clerk of the Court is respectfully directed to enter judgment against Respondent, close the case, and mail a copy of this Order to Respondent at the following address:

Excel Installations, LLC
40 Mountain Road
Ridgefield, Connecticut 06877

SO ORDERED.

Dated: November 2, 2018
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE